

Serial No.: 09/727,739
Confirmation No.: Unknown
Filed: December 1, 2000
For: SOMATOSTATINS AND METHODS

REMARKS

The amendment to claims 1 and 12 is supported by the specification at, for example, page 4, line 10-11, and at Fig. 3, wherein it is indicated that SEQ ID NO:15 represents preprosomatostatin II" (PPSS-II").

Restriction Requirement

In response to the Restriction Requirement mailed October 4, 2001, Applicants elect, with traverse, Group I (claims 1-3 and 12-15), drawn to somatostatin polypeptides, classified in class 530, subclass 311. Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner.

The Examiner further identified three species as indicated by SEQ ID NO:8 encoding SEQ ID NO:3, SEQ ID NO:14 encoding SEQ ID NO:9, and SEQ ID NO:20 encoding SEQ ID NO:15, each having different amino acid sequence and different predicted molecular weight, and required Applicants to elect a single disclosed species pursuant to 35 U.S.C. 121 for prosecution on the merits and to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicants elect the species indicated by SEQ ID NO:20 encoding SEQ ID NO:15, with traverse. It is respectfully submitted that claims 1-15 are generic, as each of the claims includes within its scope more than one species.

With respect to Invention I (claims 1-3 and 12-15), which is herewith elected, claims readable on the elected species include claims 1-3 and 12-15, as amended herewith. In that regard, Applicants' note that SEQ ID NO:18 (claim 15) represents the N-terminal prosequence of PPSS-II" and is wholly included within the elected species SEQ ID NO:15. Further, Applicants note that the claims included in nonelected Inventions II and III (claims 4-6 and 7-11, respectively) also read on the elected species.

Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form

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or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR

1.141.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

Respectfully submitted for

Sheridan et al.

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5 November 2001
Date

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 5th day of November, 2001.

By: 

Victoria A. Sandberg